

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

DESMOND D. GREEN

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:23-cv-126-CWR-FKB

CITY OF JACKSON, MISSISSIPPI,
HINDS COUNTY, MISSISSIPPI, and
DETECTIVE JACQUELYN THOMAS,
Individually

DEFENDANTS

**MOTION TO DISMISS BY DEFENDANT DETECTIVE JACQUELYN THOMAS
IN HER INDIVIDUAL CAPACITY**

Defendant Detective Jacquelyn Thomas (“Thomas”) respectfully files this Motion to Dismiss and states as follows:

Plaintiff filed his Complaint on February 16, 2023, naming the City of Jackson, Mississippi; Hinds County, Mississippi; and Detective Jacquelyn Thomas, individually.

Plaintiff’s Complaint seeks to recover against Detective Thomas in her individual capacity under theories of “malicious prosecution and malicious arrest without probable cause, in violation of the Fourth Amendment and Fourteenth Amendment, and in violation of state law.

All claims against Detective Thomas must be dismissed, for the following reasons:

1. Detective Thomas is entitled to qualified immunity from the federal causes of action because Plaintiff was indicted by a grand jury, establishing probable cause for his arrest.

2. Detective Thomas is entitled to qualified immunity from the federal causes of action because the Complaint makes no specific factual allegation which would establish a violation of a constitutional right.

3. The state law claims against Detective Thomas must be dismissed because the grand jury indictment established probable cause.

4. The state law claims against Detective Thomas must be dismissed because the Complaint makes no specific factual allegation which would establish malice.

5. The state law false arrest claims against Detective Thomas are precluded by the one-year statute of limitations which accrued at the time of arrest.

WHEREFORE, PREMISES CONSIDERED, Defendant Jacquelyn Thomas respectfully requests that this Court enter an order dismissing all claims brought against her in this action.

Dated: April 20, 2023.

Respectfully submitted on behalf of the
Defendant Detective Jacquelyn Thomas,

/s/ Drew M. Martin
Drew M. Martin, MSB# 101045

OFFICE OF THE CITY ATTORNEY

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CERTIFICATE OF SERVICE

I certify that on the date indicated below I electronically filed the foregoing via the Court's CM/ECF system, which sent notification of the filing to all counsel of record.

/s/ Drew M. Martin

Dated: April 20, 2023.